

JUN 14 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5

Applicant:	Firmin Garcia et al.)	<u>PATENT APPLICATION</u>
)	VAL1599P0230US
Serial No.:	Serial No. 09/775,868)	
)	Group Art Unit: 3754
Filed:	February 2, 2001)	
)	Confirmation No. 3944
For:	FIXING DEVICE AND A)	
	DISPENSER USING SUCH)	
	A FIXING DEVICE)	
)	
Examiner:	Not Yet Designated)	

REQUEST OR PETITION PURSUANT TO 37 C.F.R. §1.8(b)
FOR THE U.S. PATENT AND TRADEMARK OFFICE TO
(1) ENTER INTO THE FILE ENCLOSED COPIES OF PAPERS PREVIOUSLY
RECEIVED BY THE PATENT OFFICE BUT NOT PROPERLY ENTERED,
AND (2) REFRAIN FROM ISSUING A NOTICE OF ABANDONMENT,
OR IF A NOTICE OF ABANDONMENT HAS ISSUED,
WITHDRAW THE NOTICE OF ABANDONMENT

Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT OF FACTS

1. As of May 22, 2003, applicants have not received an Official Action.
2. A Response To The Notice To File Missing Parts and a Petition For Extension Of Time were filed together by Certificate Of Mailing dated June 6, 2001, and a return postcard for them was received from the Patent Office date-stamped June 12, 2001. A copy of these documents, including the date-stamped return postcard, is enclosed.

3. A Status Inquiry was filed by Certificate Of Mailing dated August 23, 2002, and a return postcard for it was received from the Patent Office date-stamped August 29, 2002. A copy of the Status Inquiry, including the date-stamped return postcard, is enclosed herewith.

4. On October 16, 2002, a clerk from the U.S. Patent and Trademark Office called the below-identified signatory attorney to respond to the Status Inquiry, and the clerk told the below-identified attorney that an Action would issue in about two months (i.e., two months from October 16, 2002). No Office Action was received.

5. On May 13, 2003, the below-identified signatory attorney learned from Ms. Somchay Chinyavong, a paralegal working for the firm that employs the below-identified attorney, that she inspected the file for the above-captioned U.S. patent application Serial No. 09/775,868 and did not find in that file an Office Action, the Response To Notice To File Missing Parts, or the Status Inquiry paper. She did find a Change of Address paper that the below-identified attorney filed with a mailing date of June 19, 2002.

ACTIONS REQUESTED

1. It is requested that the U.S. Patent and Trademark Office enter into the file of the above-captioned application the enclosed copies of the following previously submitted documents:

- (a) Response To Notice To File Missing Parts,
- (b) Petition For Extension Of Time, and
- (c) Status Inquiry.

2. It is also requested, out of an abundance of caution, that the Patent Office enter a new Change of Address form which is also enclosed.

3. The Patent Office is also requested to refrain from issuing a Notice of Abandonment, or if a Notice of Abandonment has been issued, withdraw such a Notice of Abandonment.

COMPLIANCE WITH 37 C.F.R. §1.8(b)

Pursuant to 37 C.F.R. §1.8(b), applicants, by filing this Request Or Petition paper, are informing the Patent Office of the previous timely mailings of the above-identified correspondence after applicants have become aware that the Patent Office has no evidence of receipt of the previously mailed correspondence, and applicants are herewith supplying an additional copy of the previously mailed correspondence, including the Certificates of Mailing, along with a statement set forth below which attests, on a personal knowledge basis, that the previous mailings of the correspondence were timely made.

STATEMENT PURSUANT TO 37 C.F.R. §1.8(b) WHICH
ATTESTS ON A PERSONAL KNOWLEDGE
BASIS TO THE PREVIOUSLY TIMELY MAILED CORRESPONDENCE

The below-identified signatory attorney hereby states on personal knowledge that

(A) the (1) Response To Notice To File Missing Parts, and (2) Petition For Extension Of Time as shown in the enclosed document copies were timely mailed via a Certificate Of Mailing dated June 6, 2001, and that the return

Serial No. 09/775,868 - - - 4

postcard therefor was received from the Patent Office with a date stamp of June 12, 2001, and

(B) the Status Inquiry paper as shown in the enclosed document copy was mailed with a Certificate Of Mailing on August 23, 2002, and that the return postcard therefor was received from the Patent Office with a date stamp of August 29, 2002.

This statement attesting to a personal knowledge basis of the previously timely mailed correspondence is supported by the enclosed copies of the correspondence which each includes the associated Certificates of Mailing and by the enclosed copies of the associated return postcards bearing the Patent Office mail room receipt date stamp.

Respectfully submitted,

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER

By


Paul M. Odell, Reg. No. 28,332

500 West Madison Street, Suite 3800
Chicago, Illinois 60661-2511
(312) 876-1800

May 22, 2003

VIA HAND DELIVERY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/775,868	02/02/2001	Firmin Garcia	VAL1599P0230US

CONFIRMATION NO. 3944

FORMALITIES LETTER



OC000000005847952

ROCKEY, MILNAMOW & KATZ, LTD.
Two Prudential Plaza
180 North Stetson Avenue, Suite 4700
Chicago, IL 60601

Date Mailed: 03/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 840.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Firmin Garcia et al.)	<u>PATENT APPLICATION</u>
)	VAL1599P0230US
Serial No.:	Serial No. 09/755,868)	
)	Group Art Unit: 3754
Filed:	February 2, 2001)	
)	Confirmation No. 3944
For:	FIXING DEVICE AND A)	
	DISPENSER USING SUCH)	
	A FIXING DEVICE)	
Examiner:	Not Yet Designated)	

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION

Commissioner For Patents
Washington, D.C. 20231

Attention: Customer Service Center
Initial Patent Examination Division

Sir:

This responds to the Notice To File, Missing Parts Of Nonprovisional Application dated March 12, 2001, a copy of which is attached.

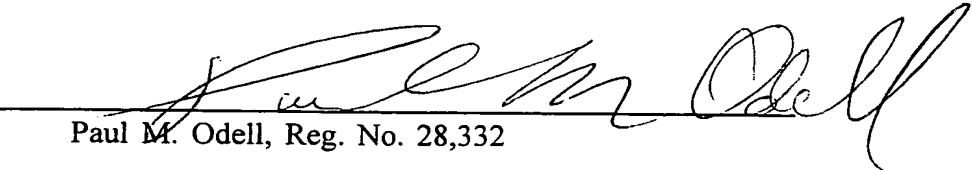
Enclosed are the following:

1. A check in the amount of \$840.00 for (1) the filing fee of \$710.00, and (2) the surcharge of \$130.00 set forth in 37 C.F.R. 1.16(e).
2. A Patent Application Declaration And Power of Attorney signed by the inventors.
3. A certified copy of priority document FR 00.13567.

The Commissioner is authorized to charge any additional amounts that may be required or credit any overpayment to Deposit Account No. 04-1644. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By


Paul M. Odell, Reg. No. 28,332

ROCKEY, MILNAMOW & KATZ, LTD.
Two Prudential Plaza, Suite 4700
180 North Stetson Avenue
Chicago, Illinois 60601
(312) 616-5400

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D. C. 20231 on June 6, 2001.


Paul M. Odell

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. Department of Commerce
Patent and Trademark Office
PATENT

TO: The Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231
Please record the attached original document(s) or copy(ies).

SUBMISSION TYPE

- ☒ New
☐ Resubmission (Non-Recordation)
Document ID# _____
☐ Correction of PTO Error
Reel # _____ Frame# _____
☐ Corrective Document
Reel # _____ Frame# _____

CONVEYANCE TYPE

- ☒ Assignment ☐ Security Agreement
☐ License ☐ Change of Name
☐ Merger ☐ Other
U.S. Government
(For Use ONLY by U.S. Government Agencies)
☐ Department File ☐ Secret File

CONVEYING PARTY(IES): (Last name first)

Firmin Garcia
Jean-Jacques Ligny

Execution Date
May 7, 2001
May 7, 2001

RECEIVING PARTY:

Name: Valois S.A.
Address: B.P. G - Le Prieuré
City: Le Neubourg
State: France
Zip Code: 27110

Mark if additional names of conveying parties attached ☐

Mark if additional names of receiving parties attached ☐

APPLICATION NUMBER(S) OR PATENT NUMBER(S)

Mark if additional numbers attached ☐

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).
If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named inventor: 00/00/00

Patent Application Number(s):

09/775,868

Patent Number(s):

TOTAL NUMBER OF PROPERTIES: Enter the total number of properties involved: _____

One

PATENT COOPERATION TREATY (PCT):

Enter PCT application number only if a U.S. Application Number has not been assigned:

NUMBER OF PAGES:

Enter the total number of pages contained in the conveyance document including any attachment(s). DO NOT include the Recordation Form Cover Sheet pages in this total.

1

CORRESPONDENT NAME AND ADDRESS:

Rockey, Milnamow & Katz, Ltd.
Two Prudential Plaza
180 North Stetson Avenue, Suite 4700
Chicago, Illinois 60601
(312) 616-5400

FEE AMOUNT:

Total Fee (37 CFR 3.41) \$40.00

- ☒ Enclosed
☐ Charge to Deposit Account 04-1644
☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account 04-1644.

STATEMENT AND SIGNATURE

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as herein indicated.

Paul M. Odell

Name of Person Signing

Signature

June 6, 2001

Date

ASSIGNMENT

Whereas, I/We

Firmin GARCIA 37, bis avenue Aristide Briand
27000 EVREUX/FR

Jean-Jacques LIGNY 2, rue de La Cavée Boudin
27000 EVREUX/FR

hereinafter called assignor(s), has/have invented certain improvements in

A FIXING DEVICE AND A DISPENSER USING SUCH A FIXING DEVICE

and executed an application for Letters Patent of the United States of America therefor on

under serial No. 09/775,868

and

Whereas,

VALOIS S.A.
B.P. G - Le Prieuré
27110 LE NEUBOURG
FRANCE

(assignee), desires to acquire the entire right, title and interest in the said application and invention, and to any United States patents to be obtained therefor;

Now therefore, for valuable consideration, receipt whereof is hereby acknowledged,

I/We, the above named assignor(s), hereby sell, assign and transfer to the above named assignee, its successors and assigns, the entire right, title and interest in the application and the invention disclosed therein for the United States of America, including the right to claim priority under 35 U.S.C. §119, and I/We request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in the application to the assignee, its successors and assigns; and I/We will execute without further consideration all papers deemed necessary by the assignee in connection with the United States application when called upon to do so by the assignee.

I/We hereby authorize and request my attorneys ROCKEY, MILMAMOW & KATZ, Ltd.

Two Prudential Plaza 180 N. Stetson Avenue - Suite 4700

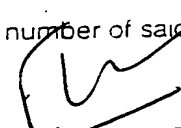
CHICAGO - ILLINOIS 60601 - USA

to insert here in parentheses (Application number 09/775,868 filed

February 2, 2001) the filing date and application number of said application when known.

Date: 07/05/2001

s/


FIRMIN GARCIA

Date: 07/05/2001

s/


JEAN-JACQUES LIGNY

Date:

s/

(Legalization not required for recording but is prima facie evidence of execution under 35 U.S.C. §261)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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)	Confirmation No. 3944
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	DISPENSER USING SUCH)	
	A FIXING DEVICE)	
Examiner:	Not Yet Designated)	

STATUS INQUIRY

Commissioner For Patents
Washington, D.C. 20231

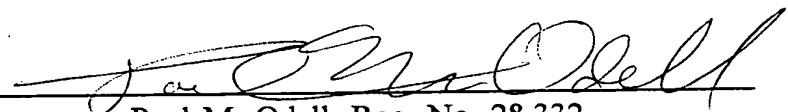
Sir:

What is the status of examination of the subject application? I have received nothing since the Response To Notice To File Missing Parts date stamped by the Patent Office June 12, 2001. I moved to a new law firm (identified below) recently, but my mail is being forwarded. Also, a change of address Form PTO/SB/122 was filed on June 19, 2002 (copy enclosed).

Respectfully submitted,

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER

By



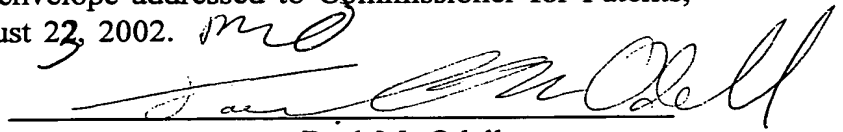
Paul M. Odell, Reg. No. 28,332

500 West Madison Street, Suite 3800
Chicago, Illinois 60661-2511
(312) 876-1800

Serial No. 09/775,868 - - - - 2

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on August 22, 2002. *mo*

A handwritten signature in cursive script, appearing to read "Paul M. Odell", is written over a horizontal line.

Paul M. Odell

THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS
ITS STAMP ON THIS ~~TO~~ AND PLACE SAME IN THE OUT-GOING
MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

PMO:II VAL1599P0230US (1610.00016)

STATUS INQUIRY (2 pages)

Firmin Garcia et al.

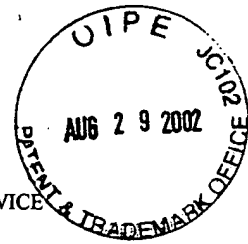
Serial No. 09/775,868

Filed: February 2, 2001

For: FIXING DEVICE AND A DISPENSER USING SUCH A FIXING DEVICE

Enc. Copy of Change Of Address Form PTO/SB/122

Mailed: August 23, 2002 (w/cert. of mailing)



JUN 14 2003

THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS
ITS STAMP ON CARD AND PLACE SAME IN THE OUT-GOING
MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

RESPONSE TO NOTICE TO FILE MISSING PARTS (2 pages)

PETITION FOR EXTENSION OF TIME (1 page) - \$110.00 (check # 41332)

Firmin Garcia et al.

Serial No. 09/775,868

Filed: February 2, 2001

For: FIXING DEVICE AND A DISPENSER USING SUCH A FIXING DEVICE

Mailed: June 6, 2001 (w/cert. of mail.)

Encs. Duplicate Copy of Notice; Signed Declaration and Power of Attorney (3 pages); Filing Fee, including surcharge - \$840.00 (check # 4133), Transmittal Form PTO/SB/21 (1 page); Fee Transmittal Form PTO/SB/17 (1 page); Certified Copy of Priority Document FR 00.13567; Assignment (1 pages); Recordation Form Cover Sheet (1 page) - \$40.00 (Check # 4133)

PMO:11
VAL1599P0230US

